

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TRIGINAL D. JACKSON,

Plaintiff,

vs.

Civil No. 09-926 MCA/RLP

TIMONY REED, et al.,

Defendants.

Magistrate Judge's Analysis and Recommended Disposition¹

This matter comes before the court on Plaintiff's Request for Injunctive Relief. (Docket No. 10). Plaintiff states that he has been ordered to remain off of all Albuquerque City busses. He seeks an injunction which will grant him full use of Albuquerque transit system busses.

Plaintiff's Motion for injunctive relief is directed to an entity which is not a party to this underlying action. Plaintiff's Complaint names as defendants a Mr. T. Reed, who is alleged to be a security guard, and Summit Security Co., or AKAL, his employer. (Docket No. 1 and 8). Plaintiff further alleges that Mr. Reed was providing security at the Greyhound Station. *Id.* Plaintiff's Complaint raises no claims implicating the City of Albuquerque's public transit system. Injunctive relief against non-parties is generally disfavored. Detroit Edison Co. v. NLRB, 440 U.S. 301, 315, 99 S.Ct. 1123, 59 L.Ed.2d 333 (1979).

Preliminary injunction is an extraordinary remedy, the right to which must be clear and unequivocal. ISCFC ILC, Inc., v. Visa USA, Inc., 936 F.2d 1096, 1098 (10th Cir. 1991). A court


¹Pursuant to 28 U.S.C. §636(b)(1), within ten (10) days after a party is served with a copy of this Analysis and Recommended Disposition, either party may file written objections to such proposed findings and recommendation. A party must file any objections within the ten (10) days period if that party seeks appellate review of the proposed findings and recommendations. Failure to timely file objections with the court will be deemed a waiver of appellate review. Hill v. SmithKline Beecham Corp., 393 F.3d 1111, 1114 (10th Cir. 2004).

my only enjoin parties that are before it. “Courts of equity have long observed the general rule that a court may not enter an injunction against a person who has not been made a party to the case before it.” Additive Controls & Measurement Systems, Inc. v. Flowdata, Inc., 96 F.3d 1390, 1394 (Fed.Cir.1996).

The City of Albuquerque, through its Public Transit System, is not a party to the underlying action. Therefore, this court may not enter an injunction against it.

Recommended Disposition

For the reasons stated above, I recommend that Plaintiff’s Request for Injunctive Relief, Docket No. 10) be denied.



Richard L. Puglisi
United States Magistrate Judge